



301 N. Miami Ave
Miami, Florida 33128
305-523-5280

FILED
JUN 30 2008
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

TO: FEDERAL BUILDING AND UNITED STATES
COURTHOUSE, STE. 400 SOUTH
1301 CLAY STREET
OAKLAND, CA 94612-5212
RE: USA VS. AUERBACH

OUR CASE NUMBER - 08-2792-WHITE
YOUR CASE NUMBER -CR08-367 DLJ

DATE: 06/26/08

=====

The above-mentioned cause has been transferred to your jurisdiction pursuant to

(Rule 40, 18:3653)

Please find enclosed the following documents:

<u> x </u>	Original file
<u> </u>	Certified File (pertinent papers only)
<u> </u>	Magistrate Proceedings
<u> </u>	CASH Bond Amount \$ <u> </u>

(Note: Cash is not included in this transmittal and will be forwarded at a later date from the Financial SECTION)

Kindly acknowledge receipt of these documents by RECEIVE STAMPING the enclosed copy of this letter.

Yours sincerely,

By COLETTE FARRINGTON
Deputy Clerk

COURT MINUTES
U.S. MAGISTRATE JUDGE PATRICK A. WHITE - COURTROOM IX

DATE: 06/16/08

TIME: 1:30PM

PAGE: 6

DEFT: LEONARD B. AUERBACH (J)80616-004

CASE NO: 08-2792-WHITE

AUSA: Marcus ChristianATTY: Marc Settles - Tampa

AGENT ICE

VIOL: IND/N/D/CALIF-PROD/POSS CHILD POROGRAPHY

PROCEEDING: INITIAL APPEARANCE

RECOMMENDED BOND: _____

BOND/PTD CONTESTED HRG - yes / no

CJA APPT: _____

BOND SET @: _____

To be cosigned by: _____

INTERPRETER: none

- ☐ All Standard Conditions.
- ☐ Surrender / or do not obtain passports / travel documents
- ☐ Rpt to PTS as directed / or _____ x's a week/month by phone; _____ x's a week/month in person
- ☐ Refrain from excessive use of alcohol
- ☐ Participate in a mental health assessment and treatment
- ☐ Random urine testing by Pretrial Services and/or treatment as deemed necessary
- ☐ Not to encumber property.
- ☐ Maintain or seek full - time employment/education.
- ☐ No contact with victims / witnesses.
- ☐ No firearms.
- ☐ May Not visit Transportation Establishments.
- ☐ Travel extended to: _____
- ☐ Home Confinement/Electronic Monitoring/Curfew _____ paid by _____
- ☐ Other _____

Disposition: _____

Slip PTD w/right to removeWaived Removal

NEXT COURT APPEARANCE: _____

DATE: _____

TIME: _____

JUDGE: _____

PLACE: _____

REPORT RE COUNSEL: _____

PTD/BOND HEARING: _____

PRELIM/ARRAIGN. OR REMOVAL: _____

STATUS CONFERENCE _____

TAPE No. 08-B- 14Begin: 1585 p 3268TIME IN COURT: 5 minutes**SCANNED**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-2792-WHITE

UNITED STATES OF AMERICA

v.

WARRANT OF REMOVAL

LEONARD B. AUERBACH

#80616-004

 A(n) _ Complaint

 X Indictment

 Information

 Probation Violation Warrant

 Bench Warrant

having been filed in the Northern District of California charging the above named defendant with Production/Possession of Child Pornography, and the defendant having

 surrendered

 X been arrested

in the Southern District of Florida, having had an initial appearance before the Court and having:

 X waived further hearing

 been given a hearing in accordance with Fed.R.Crim.P. 40.

having not posted the bail as set by the Court, the defendant is hereby committed to the custody of the United States Marshal for removal to the District where the charge is pending and delivery to the United States Marshal for that District or his lawfully authorized representative.

DONE AND ORDERED at Miami, Florida this 16TH day of JUNE, 2008.

TAPE NO.08B-14-1585 & 3268



PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense
Pretrial Services
U.S. Marshal (2 certified copies)



United States District Court
Southern District of Florida

UNITED STATES OF AMERICA
Plaintiff
- vs

08-2792-White
CASE NUMBER: CR:

REPORT COMMENCING CRIMINAL
ACTION
80616 004
USMS NUMBER

DUERBACH, Leonard
Defendant

TO: CLERK'S OFFICE MIAMI FT. LAUDERDALE W. PALM BEACH
U.S. DISTRICT COURT (CIRCLE ONE)

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE.

COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE N/A.

(1) DATE AND TIME OF ARREST: 6/13/08 1200 hrs A M P M ☒

(2) LANGUAGE SPOKEN: English

(3) OFFENSE CHARGED: 182423 Child Sex Tourism

(4) DATE OF BIRTH: 09/19/1946

(5) TYPE OF CHARGING DOCUMENT: (CHECK ONE)
☒ INDICTMENT ☐ COMPLAINT TO BE FILED/ALREADY FILED
☐ BENCH WARRANT FOR FAILURE TO APPEAR
☐ PROBATION VIOLATION WARRANT
☐ PAROLE VIOLATION WARRANT
ORIGINATING DISTRICT: _____

(6) REMARKS: _____

(7) DATE: 6/13/08 (8) ARRESTING OFFICER: Special Agent Vicky Thompson

(9) AGENCY: U.S. Immigration & Customs Enforcement (10) PHONE: 1800 XSECTOR

(11) COMMENTS: _____

SCANNED

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONARD B. AUERBACH,

Defendant.

08-2792-White
08-367

DLJ

VIOLATIONS: 18 U.S.C. § 2423(c) –
Engaging in Illicit Sexual Conduct in
Foreign Places; 18 U.S.C. § 2423(b) –
Travel with Intent to Engage in Illicit Sexual
Conduct; 18 U.S.C. § 2251(c) – Production
of Child Pornography; 18 U.S.C. §
2252(a)(4)(B) – Possession of Child
Pornography; 18 U.S.C. § 2428 – Forfeiture;
18 U.S.C. § 2253 – Forfeiture

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places)

Beginning at a time unknown to the Grand Jury, but no later than on or about September 22, 2004, and continuing to at least on or about April 9, 2007, in the Northern District of California and elsewhere, the defendant,

LEONARD B. AUERBACH,

a citizen of the United States, did travel in foreign commerce and did knowingly engage with another person in illicit sexual conduct, as that term is defined in 18 U.S.C. §§ 2423(f) and 2246, all in violation of Title 18, United States Code, Section 2423(c).

//

INDICTMENT

Document No.
SCA-24
District Court
Criminal Case Processing

1 COUNT TWO: (18 U.S.C. § 2423(b) - Travel with Intent to Engage in Illicit Sexual Conduct)

2 Beginning at a time unknown to the Grand Jury, but no later than on or about September
3 22, 2004, and continuing to at least on or about April 9, 2007, in the Northern District of
4 California and elsewhere, the defendant,

5 LEONARD B. AUERBACH,

6 a citizen of the United States, did travel in foreign commerce for the purpose of engaging with
7 another person in illicit sexual conduct, as that term is defined in 18 U.S.C. §§ 2423(f) and 2246,
8 all in violation of Title 18, United States Code, Section 2423(b).

9
10 COUNT THREE: (18 U.S.C. § 2251(c) - Production of Child Pornography)

11 Beginning at a time unknown to the Grand Jury, but no later than on or about September
12 22, 2004, and continuing to at least on or about April 9, 2007, the defendant,

13 LEONARD B. AUERBACH,

14 did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit
15 conduct outside of the United States, its territories and possessions, for the purpose of producing
16 any visual depiction of such conduct, and did transport and did intend to be transported such
17 visual depiction to the United States, its territories and possessions, by any means, including by
18 computer and mail, all in violation of Title 18, United States Code, Section 2251(c).

19
20 COUNT FOUR: (18 U.S.C. § 2252(a)(4)(B) - Possession of Child Pornography)

21 On or about August 6, 2007, in the Northern District of California, the defendant,

22 LEONARD B. AUERBACH,

23 did knowingly possess matters which contained visual depictions that had been shipped and
24 transported in interstate and foreign commerce, by any means including by computer, and which
25 were produced using materials that had been transported and shipped in interstate and foreign
26 commerce, by any means including by computer, knowing that the producing of such visual
27 depictions involved the use of a minor engaging in sexually explicit conduct and that such visual
28 depictions were of such conduct, all in violation of Title 18, United States Code, Section

INDICTMENT

1 2252(a)(4)(B).

2
3 FORFEITURE ALLEGATION ONE: (18 U.S.C. § 2428 – Criminal Forfeiture)

4 Upon conviction of the offenses alleged in Counts One and Two of this Indictment, the
5 defendant,

6 LEONARD B AUERBACH,

7 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, all
8 property, real and personal, used and intended to be used to commit and facilitate the commission
9 of the offenses of conviction, including but not limited to the following:

- 10 a. \$540,000, constituting and derived from proceeds from the sale of the
11 defendant's interest in Beautiful Beach House, Ltd., which owned and
12 controlled a home located at the Hacienda Pinilla Beach resort in Costa
13 Rica;
14 b. 120 GB hard drive (seized by the government on August 6, 2007);
15 c. Sony VAIO laptop computer with 80 GB hard drive and serial number
16 J001WRA8 (seized by the government on August 6, 2007);
17 d. 1 GB PNY brand flash drive (seized by the government on August 6,
2007); and
e. 512 MB PNY brand flash drive (seized by the government on August 6,
2007).

18 FORFEITURE ALLEGATION TWO: (18 U.S.C. § 2253 – Criminal Forfeiture)

19 Upon conviction of the offenses alleged in Counts Three and Four of this Indictment, the
20 defendant,

21 LEONARD B. AUERBACH,

22 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all
23 visual depictions described in Title 18, United States Code Section 2252, and all property, real
24 and personal, used and intended to be used to commit and promote the commission of the
25 offenses of conviction and any property traceable to such property, including but not limited to
26 the following:

- 27 a. \$540,000, constituting and derived from proceeds from the sale of the
28 defendant's interest in Beautiful Beach House, Ltd., which owned and
controlled a home located at the Hacienda Pinilla Beach resort in Costa
Rica;

INDICTMENT

- 1 b. 120 GB hard drive (seized by the government on August 6, 2007);
2 c. Sony VAIO laptop computer with 80 GB hard drive and serial number
3 J001WRA8 (seized by the government on August 6, 2007);
4 d. 1 GB PNY brand flash drive (seized by the government on August 6,
5 2007); and
6 c. 512 MB PNY brand flash drive (seized by the government on August 6,
7 2007); and
8 f. Any other property that the government seized from defendant's home in
9 Orinda, California on August 6, 2007 that has been determined to
10 constitute or contain sexually explicit images of minors, including any
11 computers or computer storage devices.
12

13 DATED: 6-4-08

14 A TRUE BILL. / A

15 FOREPERSON

16 JOSEPH P. RUSSONIELLO
17 United States Attorney

18 W. Douglas Sprague
19 Chief, Oakland Branch

20 (Approved as to form: M. L. Huang)

21 AUSA HUANG

22
23
24
25
26
27
28
INDICTMENT

LEONARD B. AUERBACH,
PENALTY SHEET ATTACHMENT

VIOLATIONS:

COUNTS 1 & 2: 18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places; 18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct;

COUNT 3: 18 U.S.C. § 2251(c) – Production of Child Pornography;

COUNT 4: 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography;

PENALTIES:

COUNTS 1&2: 30 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 3: 30 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 4: 10 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-2792-WHITE

UNITED STATES OF AMERICA

Plaintiff,

v.

LEONARD B. AUERBACH

YOB:1946 (J)#80616-004
Defendant.

ORDER ON INITIAL APPEARANCE

AUSA Marcus Christian
Agent ICE

Language ENGLISH
Tape No. 08B-14-1585 & 3268

The above-named defendant having been arrested on 06/13/08 having appeared before the court for initial appearance on 06/16/08 and proceedings having been held in accordance with Fed.R.Cr.P. r. 5 or 40(a), it is thereupon

ORDERED as follows:

1. Marc Seitles appeared as temporary counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
2. _____ appointed as permanent counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 a.m. on _____, 2008.
***The defendant waived removal hearing**
4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am, 2008.
5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because _____

A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am, 2008.

6. The defendant shall be released from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

Stip PTD

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

SCANNED

c: Assistant U.S. Attorney
Defense Counsel
Pretrial Services/Probation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-2792-White

UNITED STATES OF AMERICA,

v.

NOTICE OF TEMPORARY
APPEARANCE AS COUNSEL

LEONARD AUERBACH

COMES NOW MARC SEITLES and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance. This appearance is made with the **understanding** that the undersigned counsel will fulfill any **obligations** imposed by the Court such as **preparing and filing documents** necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed)

MARC SEITLES

Counsel's Signature

[Signature]

Address

169 EAST FLAGLER ST, SUITE 1200
MIAMI, FL

ZIP CODE: 33130

Telephone

(305) 379-6667

FLORIDA BAR NUMBER:

0178284

Date:

6/16/08

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 08-2792-WHITE

UNITED STATES OF AMERICA,

Plaintiff,

STIPULATED ORDER OF DETENTION

vs.

LEONARD B. AUERBACK,

Defendant.

_____/

THIS CAUSE came before the Court and pursuant to proceedings held, it is thereupon

ORDERED AND ADJUDGED That the above named Defendant is hereby Ordered Pretrial Detained pursuant to the **Stipulation** of the parties. The Defendant reserves the right to have a Pretrial Detention Hearing upon his/her request.

DONE AND ORDERED at Miami, Florida this 16TH day of JUNE, 2008.

TAPE NO: 08B-14-1585& 3268

s/Patrick A. White
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense Counsel
Pretrial Services
U.S. Marshal

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORID

Case No. 08-2792-WH.TE

UNITED STATES OF AMERICA,

Plaintiff,

VS.

WAIVER OF REMOVAL HEARING

Defendant.

LEONARD AUERBACH

I, LEONARD AVERBACH, Charged in a proceeding pending in the NDCAALIF.

_____ and having been arrested in the Southern District of Florida and taken before **PATRICK A. WHITE**, a United States Magistrate Judge for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before the aforementioned magistrate and consent to the issuance of a warrant/order for my removal to _____, where the aforesaid charge is pending against me.

DONE and **ORDERED** at Miami, Florida this 16 day of ~~December~~^{JUNE}, 2008.

Witness

PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE

Signature of Defendant

SCANNED

**U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:08-mj-02792-PAW-1
Internal Use Only**

Case title: USA v. Auerbach

Date Filed: 06/16/2008

Date Terminated: 06/16/2008

**Assigned to: Magistrate
Judge Patrick A. White**

Defendant (1)

**Leonard B. Auerbach
YOB: 1946
TERMINATED: 06/16/2008**

**represented by Marc David Seitles
Marc D Seitles
169 E Flagler Street
Suite 1200
Miami, FL 33131
305-379-6667
Fax: 379-6668
Email:
mseitles@seitleslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Temporary**

Pending Counts

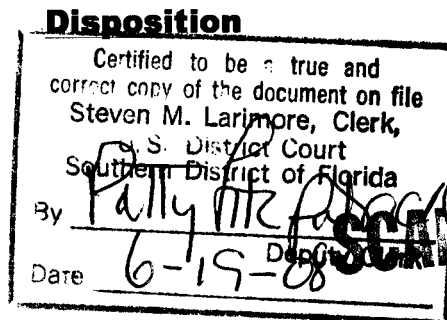
None

**Highest Offense Level
(Opening)**

None

Terminated Counts

None



Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by Marcus A. Christian
United States Attorney's
Office
99 NE 4 Street
Miami, FL 33132
305-961-9401
Fax: 530-7976
Email:
marcus.a.christian@usdoj.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/16/2008	1	Report Commencing Criminal Action as to Leonard B. Auerbach - DOB: **/**/1946 Prisoner #: 80616-004 (pf) (Entered: 06/18/2008)
06/16/2008	2	Copy of Indictment from the ND/California/Oakland Division as to Leonard B. Auerbach: (pf) (Entered: 06/18/2008)
06/16/2008	3	Order on Initial Appearance as to Leonard B. Auerbach for proceeding held on 6/16/2008. Tape #08B14-1585 & 3268. Signed by Magistrate Judge Patrick A. White on 6/16/08. (pf) (Entered: 06/18/2008)
06/16/2008	4	NOTICE OF ATTORNEY APPEARANCE: Marc David

		Seitles appearing for Leonard B. Auerbach (pf) (Entered: 06/18/2008)
06/16/2008	●5	STIPULATED ORDER OF DETENTION as to Leonard B. Auerbach. Signed by Magistrate Judge Patrick A. White on 6/16/08. (pf) (Entered: 06/18/2008)
06/16/2008	●6	WAIVER of Rule 5(c)(3) Hearing by Leonard B. Auerbach (pf) (Entered: 06/18/2008)
06/16/2008	●7	WARRANT of Removal to District of ND/CALIFORNIA Issued as to Leonard B. Auerbach. (pf) (Entered: 06/18/2008)
06/16/2008	●8	Minute Entry for proceedings held before Magistrate Judge Patrick A. White: Initial Appearance as to Leonard B. Auerbach held on 6/16/2008 (Tape #08B14-1585 & 3268.) (pf) (Entered: 06/18/2008)